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|                                  |   |                    |
|----------------------------------|---|--------------------|
| In re Application of             | : |                    |
| Craig M. WHITEHOUSE, et al.      | : |                    |
| Application No.: 09/423,471      | : |                    |
| PCT No.: PCT/US97/08550          | : | DECISION ON        |
| Int. Filing Date: 17 May 1997    | : | PETITION           |
| Priority Date: NONE              | : | UNDER 37 CFR 1.181 |
| Attorney Docket No.: 840.059.301 | : | AND                |
| For: CONFIGURATION OF AN         | : | PETITION TO REVIVE |
| ATMOSPHERIC PRESSURE ION         | : |                    |
| SOURCE                           | : |                    |

This decision in response to the "PETITION TO REINSTATE ABANDONED APPLICATION" and to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally..." filed 18 April 2002. The communications of 18 April 2002 are being treated as a petition under 37 C.F.R. 1.181 to accept a copy of the declaration of the inventors filed with the petition as being filed on 28 March 2000 and to withdraw the Notification of Abandonment (Form PCT/DO/EO/909) mailed 01 June 2001. The petition is **GRANTED** as follows:

No petition fee is required.

MPEP at section 503 states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The evidence submitted by applicants, which includes a return receipt postcard itemizing all the papers filed on 28 March 2000 in connection with U.S. application serial number 09/423,471, is sufficient to establish that a Response to the Notification of Missing Requirements including a declaration of the inventors was received in the Office on that day. Accordingly, acceptance of a copy of the declaration of the inventors filed with the petition

as being filed on 28 March 2000 is appropriate. The Notification of Abandonment of 01 June 2001 indicating that "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07 JAN 2000 within the time period set therein" was mailed in error and is hereby VACATED. With the withdrawal of the Notification of Abandonment, the petition to revive the present application is unnecessary, and thus, the petition fee of \$640.00 will be refunded to applicant's Deposit Account No. 02-2105.

A review of the Declaration of the inventors reveals that it is in compliance with 37 CFR 1.497(a), and therefore, applicants timely completed all the requirements of 35 U.S.C. 371 for entry into the national stage with the submission of the declaration of the inventors on 28 March 2000. However, it is noted that the declaration is not in compliance with 37 CFR 1.63 in that the complete residence and mailing address of the inventors are not given. Applicants should file another declaration.

Applicants are hereby notified that a \$65.00 surcharge for submitting the declaration after 30 months from the filing date of 17 May 1997 (fee code 254) and a fee for a two months extension of time for response to the form PCT/DO/EO/905 in the amount of \$190.00 (fee code 216) will be charged to Deposit Account 02-2105 as authorized in the communication of 28 March 2000.

Applicants' claim for priority is acknowledged. This application has an international filing date of 17 May 1997 under 35 U.S.C. 363 and a date of 28 March 2000 under 35 U.S.C. 371(c) and 102(e).

The application is returned to the United States Designated/Elected Office for processing in accordance with this decision, that is, a) for crediting \$640.00 (fee code 241) to Deposit Account No. 02-2105, b) for charging \$65.00 (fee code 254) and \$190.00 (fee code 216) to same Deposit Account, and c) for issuance of a Notification of Acceptance (Form PCT/DO/EO/903) and for preparation and mailing of a filing receipt.



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